

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Jonathan Tampico,  
Plaintiff

Civil Action No.  
04-12500-NMG

v.

United States,  
Defendant

MOTION TO FORGIVE OR DELAY  
COLLECTION OF COURT FEES

Plaintiff Jonathan Tampico humbly approaches the Court to request that the Court either forgive or delay his payment of Court fees, \$150- under PLRA.

As can be seen on the attached Inmate Transaction Receipt, dated July 6, 2005, Plaintiff is already paying 60% of all income in three PLRA deductions. The Court has seen in Plaintiff's six-month Commissary Account Statement, that his reliable income is about \$30- per month, leaving him only \$12- for stamps and other expenses. Adding another 20% encumbrance will reduce Plaintiff's usable

income to \$6<sup>00</sup> per month; an amount insufficient to cover the postage and copy costs necessary to pursue his legal burden.

To further exacerbate the situation, Plaintiff is also being assessed \$25<sup>00</sup> per quarter in Inmate Financial Responsibility Program payments on the fine from his conviction. This would reduce his income below zero. (see attached Receipt dated June 9, 2005)

Plaintiff occasionally receives funds in addition to his \$30<sup>-</sup> per month, but these are gifts and cannot be depended upon. Plaintiff is not working and receives no monies from the BOP.

Plaintiff refers the Court to Lafauci v. Cunningham, 139 F. Supp. 2d 144, 147 (D. Mass. 2001) stating that simultaneous collection of fees depriving prisoners of all resources could "raise serious constitutional concerns" (from JLM vol. 1, p. 297, fn 23), and to Whitfield v. Scully, 241 F. 3d 264, 276-78 (2d Cir. 2001) which capped PLRA recoupment at 40%. Plaintiff apologizes to the Court that his current incarceration in the SttU prevents

him from thoroughly researching First Circuit precedents on this issue.

### CONCLUSION

For the above reasons, Plaintiff begs the Court to either forgive his payment of the \$150 PLRA Court fee, or to delay it until at least one of his other payments (55CHDO9 will be first) is completed.

I declare under penalties of perjury that my statements in this Motion are true to the best of my knowledge.

Done this 20<sup>th</sup> of July, 2005  
at USP Lewisburg, PA



Jonathan Tampico, 79426-079 Plaintiff Pro-Se  
United States Penitentiary  
P.O. Box 1000  
Lewisburg, PA 17837-1000

REC'D 3 July 2005

Date: 07/06/2005  
Time: 7:45:14 am

Federal Bureau of Prisons  
TRUFACS  
**Inmate Transaction Receipt**  
Limited Official Use

Facility: LEW

**General Information**

Inmate Reg#:	79426079	<b>Living Quarters:</b>	<b>Z04-311UDS</b>
<b>Inmate Name:</b>	<b>TAMPICO, JONATHAN M</b>	Arrived From:	SCH
Current Site Name:	Lewisburg USP	Transferred To:	
<b>Housing Unit:</b>	<b>UNIT 1</b>	Account Creation Date:	9/2/2003

**Transaction Details**

Date	Transaction Type	Fund Source Type	Sender Last Name	Ref#	Pymt#	Beginning Balance	Amount	Ending Balance
07/01/2005	Debt Encumb						\$6.00	
07/01/2005	Debt Encumb						\$6.00	
07/01/2005	Debt Encumb						\$6.00	
07/01/2005	Debt Encumb						\$12.00	
07/01/2005	Debt Encumb						\$12.00	
07/01/2005	Debt Encumb						\$12.00	
07/01/2005	PLRA Payme			5LEWD27	2577		(\$18.00)	\$54.29
				7				
07/01/2005	PLRA Payme			5LEWD26	2578		(\$18.00)	\$36.29
				8				
07/01/2005	PLRA Payme			5SCHD09	2579		(\$18.00)	\$18.29
				6				
Current Account Balance :				\$18.29				
Current Pre-Release Balance :				\$0.00				
Current Outstanding Negotiable Instrument Balance :				\$0.00				
Current Encumbered Balance :				\$0.00				
Current Administrative Hold Balance :				\$0.00				
Current Available Balance :				\$18.29				

Date: 06/09/2005  
Time: 1:24:39 pm

Federal Bureau of Prisons

TRUFACS

**Inmate Withdrawal Details Report**  
Limited Official Use

Facility: LEW

Transaction Report

Inmate Reg. Number:	79426079	Payee First Name:	
Inmate Name:	TAMPICO, JONATHAN	Payee Last Name:	BOP
Date/Time:	06/02/2005 10:06:05 AM	Payee Address 1:	
System Transaction #:	567708	Payee Address 2:	
Withdrawal Type:	FRP Quarterly Pymt	Payee City:	
Amount:	<u>(\$25.00)</u>	Payee State:	
Reference #:	IOS017	Payee Zip:	
YREGDOC #:		Payee Country:	
Payment #:		Bank Routing #:	
User Id:	LEW8106	Account #:	
Monthly Withdrawal:	No	Account Type:	
Check Memo:			
Comments:			

WorkstationID: LEWBCCMB21

UserID: LEW8106